

Jared R. Richards, Esq. (11254)
Scott A. Flinders, Esq. (6975)
CLEAR COUNSEL LAW GROUP
1671 W. Horizon Ridge Pkwy, Suite 200
Henderson, NV 89012
Telephone: (702) 476-5900
Facsimile: (702) 924-0709
jared@clearcounsel.com
sflinders@clearcounsel.com
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DARLENE GIROUARD, an individual,

Plaintiffs,

vs.

WALMART TRANSPORTATION, LLC, a
foreign corporation; WALMART, INC. dba
WALMART, a foreign corporation; ROBERT
WILLIAMS MENDOZA, an individual; DOES I
through XV; and ROE CORPORATIONS I
through X, inclusive,

Defendants.

Case No.: 2:23-cv-00674-CDS-EJY

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY TO
COMPLETE THE DEPOSITION OF
NEVADA HIGHWAY PATROL
TROOPER
(SEVENTH REQUEST)**

The Parties to this matter, by and through their attorneys of record, hereby stipulate and request to extend discovery for the limited purpose of taking the deposition of the investigating Nevada State Trooper Jerraco Lindsey.

The Parties to this action have been working diligently in the past several months to complete discovery. Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court allow limited discovery in the above-captioned case sixty (60) days from the current deadline of March 14, 2025 up to and including May 14, 2025 solely for the purpose of taking the deposition of Trooper Lindsey. In addition, the parties request that all other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and Request, the parties state as follows:

1 1. On March 20, 2023, Plaintiff filed her Complaint in the Eighth Judicial District
2 Court of Nevada.

3 2. On March 22, 2023, Defendants, Walmart Transportation, LLC and Walmart, Inc.
4 dba Walmart were served and on April 1, 2023, Robert Williams Mendoza was served.

5 3. On April 28, 2023, Defendants removed this action to the United States District
6 Court, District of Nevada.

7 4. On May 11, 2023, Defendants filed their Answers and Jury Demands.

8 5. On May 16 2023, Defendants filed their Statement Regarding Removal, pursuant
9 to the Court's May 1, 2023 Minute Order.

10 6. On May 18, 2023, the parties held their FRCP 26(f) conference.

11 7. On May 30, 2023, Plaintiff served her Initial Rule 26(f) Disclosures.

12 8. On May 31, 2023, the parties submitted their Joint Status Report.

13 9. On June 13, 2023, Defendants served their Initial Rule 26(f) Disclosures.

14 10. On June 14, 2023, Defendants served their First Set of Requests for Production of
15 Documents upon Plaintiff.

16 11. On June 14, 2023, Defendants served their First Set of Interrogatories upon
17 Plaintiff.

18 12. On July 7, 2023, Defendants served their First Supplemental Rule 26(f)
19 Disclosures.

20 13. On July 28, 2023, Plaintiff served her First Supplemental Rule 26(f) Disclosures.

21 14. On July 28, 2023, Plaintiff served her Answers to Defendants First Set of
22 Interrogatories.

23 15. On July 28, 2023, Plaintiff served her Responses to Defendants First Set of
24 Requests for Production of Documents.

1 16. On August 14, 2023, Plaintiff provided Defendants with a HIPAA consent allowing
2 for release of medical records from 2017 to present.

3 17. On August 15, 2023, Defendant subpoenaed medical records from Steinberg
4 Diagnostic Medical Imaging, Radar Medical Group, Centennial Surgery Center, David Oliveri,
5 M.D., Las Vegas Neurosurgery, Orthopedic & Rehabilitation, Centennial Spine & Pain, Desert
6 Radiology Solutions, UMC Quick Care Centennial and AlignMed.

7 18. On September 14, 2023, Defendants served their Second Supplemental Rule 26(f)
8 Disclosures.

9 19. On September 22, 2023 Plaintiff served her First Set of Interrogatories to Defendant
10 Walmart, Inc.

11 20. On September 22, 2023 Plaintiff served her First Set of Interrogatories to Defendant
12 Walmart Transportation, LLC.

13 21. On September 22, 2023, Plaintiff served her First Set of Interrogatories to
14 Defendant Robert William Mendoza.

15 22. On September 22, 2023, Plaintiff served her First Set of Requests for Production of
16 Documents to Defendant Robert William Mendoza.

17 23. On September 22, 2023, Plaintiff served her First Set of Requests for Production of
18 Documents to Defendant Walmart, Inc.

19 24. On September 22, 2023, Plaintiff served her First Set of Requests for Production of
20 Documents to Defendant Walmart Transportation, LLC.

21 25. On October 30, 2023, Defendants served their Third Supplemental Rule 26(f)
22 Disclosures.

23 26. On November 3, 2023, Defendant Robert Mendoza served his responses to
24 Plaintiff's Request for Production of Documents to Plaintiff.
25
26
27
28

1 27. On November 27, 2023, Defendants served their Fourth Supplemental Rule 26(f)
2 Disclosures.

3 28. On December 14, 2023, Defendants served their Fifth Supplemental Rule 26(f)
4 Disclosures.

5 29. On December 18, 2023, Defendants served their Sixth Supplemental Rule 26(f)
6 Disclosures.

7 30. On December 19, 2023, Defendants served their Seventh Supplemental Rule 26(f)
8 Disclosures.

9 31. On January 5, 2024, Defendants served their Eighth Supplemental Rule 26(f)
10 Disclosures.

11 32. On February 29, 2024, Howard Tung, M.D. performed a FRCP 35 Evaluation of
12 the plaintiff.

13 33. On April 23, 2024, Howard Tung, M.D.'s report was disclosed as part of Defendants
14 Ninth Supplemental Rule 26(f) Disclosures.

15 34. On April 23, 2024, Defendants served their Ninth Supplemental Rule 26(f)
16 Disclosures.

17 35. On April 24, 2024, Defendant Robert Mendoza served his answers to Plaintiff's
18 First Set of Interrogatories (unverified).

19 36. On April 26, 2024, Defendant Walmart, Inc., served its answers to Plaintiff First
20 Set of Interrogatories (drafts).

21 37. On April 26, 2024, Defendant Walmart, Inc., served its responses to Plaintiff's First
22 Set of Request for Production of Documents.

23 38. On June 24, 2024, Defendant Walmart, Inc., served its verified answers to Plaintiff
24 First Set of Interrogatories.

1 39. On July 16, 2024, Defendant Robert Mendoza served his verified answers to
2 Plaintiff's First Set of Interrogatories.

3 40. On September 2, 2024, Defendants served their Tenth Supplemental Rule 26(f)
4 Disclosures (Expert witness disclosure).

5 41. On September 3, 2024, Plaintiff served her initial Expert witness disclosures.

6 42. On September 16, 2024, Defendants served their Eleventh Supplemental Rule 26(f)
7 Disclosures.

8 43. On October 3, 2024, Plaintiff served her first supplemental Expert witness
9 disclosures.

10 44. On October 8, 2024, Plaintiff served her Rebuttal Expert witness disclosures.

11 45. On November 6, 2024, Defendants served their Twelfth Supplemental Rule 26(f)
12 Disclosures.

13 46. On November 25, 2024, Defendants served their Thirteenth Supplemental Rule
14 26(f) Disclosures.

15 47. On November 11, 2024, the deposition of Defendant Mr. Mendoza was conducted.

16 48. On December 2, 2024, the Plaintiff's deposition was conducted.

17 49. On December 30, 2024, Plaintiff served her Third supplemental Disclosure of
18 Expert witness and Second supplemental disclosures of Rebuttal Experts.

19 50. On January 6, 2025, Plaintiff served her Fourth supplemental Disclosure of Expert
20 witness and third supplemental disclosures of Rebuttal Experts.

21 51. On January 6, 2025, the deposition of NHP Trooper Lindsey was scheduled but
22 needed to be reset.

23 52. **On February 6, 2025, the deposition of Trooper Lindsey was scheduled to go**
24 **forward but it had to be vacated due to Trooper Lindsey being sick.**
25
26
27
28

1 53. On Feb 10, 2025, defendants took the deposition of plaintiff's expert William
2 Muir MD;

3 54. On Feb 13, 2025, plaintiff took the deposition of Walmart's 30(b)(6) witness;

4 55. On Feb 7, 2025, defendants took the deposition of plaintiff's expert Sam Terry;

5 56. On Feb 25, 2025, defendants took the deposition of plaintiff's expert Paul
6 Herbert;

7 57. On March 4, 2024, plaintiff took the deposition of defense expert Linda Day;
8 and
9

10 58. On March 10, 2025, plaintiff took the deposition of defense expert Linda Day.

11 **Discovery Remaining**

12 1. Deposition of Nevada State Police Trooper Jerraco Lindsey; and

13 2. During the deposition of Walmart's 30(b)(6) witness, plaintiff requested production
14 of additional records pertaining to Mr. Mendoza. Walmart is in the process of obtaining these
15 records now that the transcript has been received.
16
17

18 **Why Remaining Discovery Has Not Been Completed**

19 This request for an extension of time is necessary due to a key witness being uncooperative.
20 Plaintiff's counsel has been very persistent about coordinating the deposition of Trooper Lindsey,
21 but he is now non-responsive. The deposition of Trooper Lindsey, previously scheduled for
22 January 6, 2025, was rescheduled to February 3, 2025, at Trooper Lindsey's request.
23

24 On November 13, 2024, Plaintiff's Counsel reached out to Nevada State Trooper Jerraco
25 Lindsey ("Trooper Lindsey"), requesting his general availability for deposition. Trooper Lindsey
26 responded the next day with his work schedule. My office responded the same day with potential
27 dates for his deposition. On November 18, 2024 my office sent a follow up email to Trooper
28

1 Lindsey, with no response. On December 2, 2024 my office called Nevada State Police and was
2 provided with a “message home number.” Plaintiff’s Counsel then called Trooper Lindsey and left
3 a message for him, following that message with another email. On December 12, 2024, when the
4 officer had not called back, Plaintiff’s Counsel issued a Deposition Subpoena for Trooper Lindsey
5 to appear on January 6, 2025, which was personally served on Trooper Lindsey the next day.
6

7 On January 6, 2025, at 8:45 am, the morning of the deposition, Trooper Lindsey sent an
8 email to Plaintiff’s Counsel stating that his children were sick and that he needed to reschedule.
9 On January 20, 2025 Plaintiff’s Counsel received an email from Trooper Lindsey that he was
10 available for his continued deposition on February 3, 2025.
11

12 The morning of the second deposition on February 3, 2025 at 8:14 am, Plaintiff’s Counsel
13 received another email from Trooper Lindsey along with a doctor’s note, stating that he was not
14 able to attend the continued deposition. Although my office offered to set up a zoom link, Trooper
15 Lindsey never responded and he did not appear for his second noticed deposition. Thereafter,
16 Plaintiff’s Counsel has sent numerous emails, many without a response, attempting to reschedule
17 the deposition, but none have been fruitful. Plaintiff’s Counsel called Nevada State Police and
18 requested to speak with General Counsel on March 10, 2025, at which time they were directed to
19 email Trooper Lindsey’s supervisor. The same day, an email was then sent to his supervisor,
20 Sargent Bohl. As of the filing of the instant stipulation, no response has been received. Discovery
21 in this matter closes on March 14, 2025. *See* Stipulation and Order to Extend Discovery (Sixth
22 Request), on file herewith [Doc. No. 35]. There is not enough time to depose Trooper Lindsey
23 prior to the close of discovery and with his two failed depositions, it would not have been prudent
24 to set a third deposition that the Trooper was unlikely to appear for.
25

26 Accordingly, the parties herein request a 60-day extension of discovery deadlines, limited
27 solely for the purpose of taking the deposition of Trooper Lindsey and respectfully submit good
28

cause exists for the additional discovery. The parties herein further submit that excusable neglect also exists for the failure to submit this request for extension within less than 21 days of the discovery deadline, due to Trooper Lindsey being evasive and leading Plaintiff's counsel to believe that he will cooperate, only to have him cancel at the last minute.

The Parties therefore stipulate and request the following new deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-Off	March 14, 2025	Wednesday, May 14, 2025 (Only to take Trooper Lindsey's Deposition)
Final Date for Dispositive Motions	April 11, 2025	Friday, June 13, 2025
Joint Proposed Pre-Trial Order	June 13, 2025	Tuesday, July 12, 2025¹

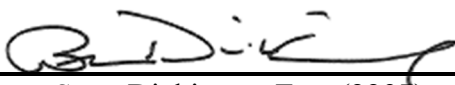
The parties respectfully request that this Court extend the discovery period by sixty (60) days from the current deadline of March 14, 2025, up to and including May 14, 2025, and the other dates as outlined in accordance with the table above.

DATED March 13, 2025.
CLEAR COUNSEL LAW GROUP

/s/ Scott A. Flinders

Scott A. Flinders, Esq. (6975)
1671 W. Horizon Ridge Parkway, Suite 200
Henderson, Nevada 89012
Attorneys for Darlene Girouard

DATED March 13, 2025.
THORNDAL ARMSTRONG, PC


Bruce Scott Dickinson, Esq. (2297)
600 S. Las Vegas Blvd., Suite 400
Las Vegas, NV 89101
Attorneys for Defendants

///

IT IS SO ORDERED.

///


U.S. MAGISTRATE JUDGE

///

///

Date: March 14, 2025

///

¹ Alternatively, 30 days after resolution of any dispositive motions that may be filed in this matter.